

11-06-06  
1FW

Attorney Docket No. 55325-8167.US06



Express Mail Label No. EV 326 984 441 US

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Zalipsky et al.

APPLICATION No.: 10/714,085

FILED: November 14, 2003

FOR: **METHOD FOR TREATING MULTI-DRUG  
RESISTANT TUMORS**

EXAMINER: Kishore, G.

ART UNIT: 1615

CONF. NO: 9528

**Supplemental Information Disclosure Statement Within Three Months  
of Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**1. Timing of Submission**

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last (37 C.F.R. § 1.97(b)). The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

**2. Cited Information**

- Copies of references 1-7 are issued patent(s) and published application(s) and are not included (see C.F.R. § 1.98(a)(2)(i)).
- Copies of references 8-24 are enclosed.

**3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))**

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior

art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP

Date: 11-3-06

Judy M. Mohr  
Judy M. Mohr  
Registration No. 38,563

Correspondence Address:

Customer No. 22918  
Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, California 94026  
(650) 838-4300

<p style="text-align: center;"><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Form PTO-1449 (Modified) (Use several sheets if necessary)</p> <p style="text-align: right;">O I P E 14P88 NOV 13 2006 (U.S. Patent &amp; Trademark Office)</p>				<b>COMPLETE IF KNOWN</b>	
				Application Number	10/714,085
				Confirmation Number	9528
				Filing Date	November 14, 2003
				First Named Inventor	Zalipsky et al.
				Group Art Unit	1615
				Examiner Name	To be Assigned
Sheet 1 of 2	Attorney Docket No.	55325-8167.US06			

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	1.	6,180,095	B1	Greenwald et al.	1/01	
	2.	6,342,244		Zalipsky, Samuel	1/02	
	3.	6,365,179		Zalipsky et al.	4/02	
	4.	6,605,299		Zalipsky, Samuel	8/03	
	5.	6,638,500	B1	El-Tayar Nabil et al.	10/03	
	6.	6,849,270		Zalipsky, Samuel	2/05	
	7.	2004/0213579	A1	Zalipsky et al.	10/04	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
	8.	EP	EP 0 317 957		Senter	5/89		
	9.	EP	EP 0 898 968		Maeda, Hiroshi	3/99		
	10.	PCT	WO00/64483		Alza Corporation	11/00		
	11.	PCT	WO00/64484		Alza Corporation	11/00		
	12.	PCT	WO01/26629		Alza Corporation	4/01		
	13.	PCT	WO02/26265		Schering Corporation	4/02		
	14.	PCT	WO03/053409		Alza Corporation	7/03		
	15.	PCT	WO04/110497		Alza Corporation	12/04		

### OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	16.	Asai et al., <i>Biol. Pharm. Bull.</i> , <u>21</u> (7):766-771 (1998).	
	17.	Briddell et al., <i>Blood</i> , <u>102</u> (11):163b-164b (1999).	

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).</p>	

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Form PTO-1449 (Modified) (Use several sheets if necessary)				<b>COMPLETE IF KNOWN</b>	
				Application Number	10/714,085
				Confirmation Number	9528
				Filing Date	November 14, 2003
				First Named Inventor	Zalipsky et al.
				Group Art Unit	1615
Examiner Name	To be Assigned				
Sheet	2	of	2	Attorney Docket No.	55325-8167.US06

<b>OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS</b>				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.		T
	18.	Database Dissertation Abstracts [Online] Proquest Info & Learning; Woghiren, Clement O. et al.: "Synthesis, Characterization and Conjugation of a Novel Protected Thiol-Polyethylene Glycol: A New Activated Polymer for Reversible Protein Modification (IL-2)" Dialog Accession No. 01367093; Dissertation Abstracts <u>55</u> (03-B), 1994, page 866		
	19.	Johnson et al., <i>Chemistry and Biology</i> , <u>4</u> (12):939-950 (1997).		
	20.	Kratz et al., <i>J. Med. Chemistry</i> , <u>45</u> (12):5523-5533 (2002).		
	21.	Malik et al., <i>Experimental Hematology</i> , <u>28</u> (7, Suppl. 1):106, Abstract No. 237 (2000).		
	22.	Thorpe et al., <i>Cancer Res.</i> , <u>47</u> (12):5924-5931 (1987).		
	23.	Vaage et al., <i>International Journal of Cancer</i> , <u>80</u> (1):134-137 (1999)		
	24.	Worrell et al., <i>Anticancer Drug Design</i> , <u>1</u> (12):179-188 (1986).		

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	